REMARKS

In a final Office Action dated 9 August 2005, the Examiner rejects claims 1-28 (all pending claims). In response to the rejections, Applicant respectfully traverses the rejections. Claims 1-28 remain in the Application. In light of the following arguments, Applicant respectfully requests that the Examiner allow all of the claims and this Application be allowed or in the alternative remove this Office Action from final and consider the arguments set forth.

§706.07 of the MPEP states that a final Office Action is premature if the application contains material that was presented after a final Office Action but was denied entry because the entry raises new issues that require further consideration. In this Application, the Applicant has **not argued whether there was motivation** to encypt initialization data in response to the Office Action. Instead, the Applicant has argued that the Le patent **does not teach each and every limitation in the claims** as required for a proper prima facie showing of obviousness. Thus, a final rejection is not proper until this matter is considered and resolved by the Examiner. Thus, Applicant respectfully requests that this Office Action not be final and the Examiner consider the arguments presented by the Applicant.

The Examiner rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,883,956 issued to Le et al. (Le). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and **a teaching of each and every claimed element**. Id. *Emphasis added.*

The Examiner has missed the point of Applicant's argument in the Preliminary Amendment. Applicant is stating that the Examiner has **failed to provide** a teaching of a token decryption system that uses the decrypt the encrypted initialization data and to reconfigure the chip once the initialization data is decrypted. The Examiner has provided motivation to encrypt the initialization data but has not provided a teaching of the recited system for decrypting the data and reconfiguring the cryptographic chip. Thus, Applicant again asserts the prior arguments below for the Examiner's consideration.

Claim 1 recites "a token decryption system operably disposed within said at least one non-volatile read/write memory configured to enable and use said cryptographic chip and said system-specific information to decrypt said encrypted initialization data in said encrypted token, and further configured to reconfigure said cryptographic chip in accordance with said initialization data in said token and in accordance with said system-specific information responsive to said encrypted initialization data being decrypted." Le does not teach this limitation. Instead, Le merely teaches that initialization and/or configuration data is contained in a non-volatile memory. See Col. 3, lines 15-25. In Le, encrypted configuration data may be received from another source. **Software** then performs decryption and verification of the data. Software sets the enabling bit string after the data is verified. See Col. 11, line 10- Col. 12, line 45. The system in claim 1 actually uses a cryptographic chip to decrypt the data and then re-configures the cryptographic chip with the data. This allows system of claims 1 to be initialized without outside data and without wasting processing time of a processor. Thus, Le does not teach the token decryption system recited in claim 1. Therefore, Applicant requests that the rejection of claim 1 be removed and claim 1 be allowed.

Claims 2-4 are dependent from claim 1. Therefore, claims 2-4 are allowable for at least the same reasons as claim 1. Thus, Applicant respectfully requests the rejections of claims 2-4 be removed and claims 2-4 be allowed.

Claim 5 recites a method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in claim 1. Thus, claim 5 is allowable for at least the same reasons as claim 1. Therefore, Applicant requests that the rejection of claim 5 be removed and claim 5 be allowed.

Claims 6-8 are dependent from claim 5. Therefore, claims 6-8 are allowable for at least the same reasons as claim 5. Thus, Applicant respectfully requests the rejections of claims 6-8 be removed and claims 6-8 be allowed.

Claim 9 recites a program for providing the method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in amended claim 1. Thus, claim 9 is allowable for at least the same reasons as claim 1. Therefore, Applicant requests that the rejection of claim 9 be removed and claim 9 be allowed.

Claims 10-12 are dependent from claim 9. Therefore, claims 10-12 are allowable for at least the same reasons as claim 9. Thus, Applicant respectfully requests the rejections of claims 10-12 be removed and claims 10-12 be allowed.

Claim 13 recites a system for providing the method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in claim 1. Thus, claim 13 is allowable for at least the same reasons as claim 1. Therefore, Applicant requests that the rejection of claim 13 be removed and claim 13 be allowed.

Claims 14-16 are dependent from claim 13. Therefore, claims 14-16 are allowable for at least the same reasons as claim 13. Thus, Applicants respectfully request the rejections of claims 14-16 be removed and claims 14-16 be allowed.

Claim 17 recites a method for generating an encrypted token including the encryption initialization data recited in claim 1. Thus, claim 17 is allowable for at least the same reasons as claim 1. Therefore, Applicant requests that the rejection of claim 17 be removed and claim 18 be allowed.

Claims 18-20 are dependent from claim 17. Therefore, claims 18-20 are allowable for at least the same reasons as claim 17. Thus, Applicant respectfully requests the rejections of claims 18-20 be removed and claims 18-20 be allowed.

Claim 21 recites a program for providing the method for generating the encrypted token recited in claim 17. Thus, claim 21 is allowable for at least the same reasons as claim 17. Therefore, Applicant requests that the rejection of claim 21 be removed and claim 21 be allowed.

Claims 22-24 are dependent from claim 21. Therefore, claims 22-24 are allowable for at least the same reasons as claim 21. Thus, Applicant respectfully requests the rejections of claims 22-24 be removed and claims 22-24 be allowed.
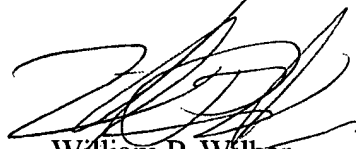
Claim 25 recites a system for providing the method for generating the encrypted token recited in claim 17. Thus, claim 25 is allowable for at least the same reasons as claim 17. Therefore, Applicant requests that the rejection of claim 25 be removed and claim 25 be allowed.

Claims 26-28 are dependent from claim 25. Therefore, claims 26-28 are allowable for at least the same reasons as claim 25. Thus, Applicant respectfully requests the rejections of claims 26-28 be removed and claims 26-28 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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